

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VOTORANTIM CIMENTOS LTDA,

Petitioner,

- against -

OXBOW CARBON AND MINERALS LLC,
SUCCESSOR IN INTEREST BY MERGER TO
APPLIED INDUSTRIAL MATERIALS
CORPORATION,

Respondent.

08 CV 02232 (LBS)

STIPULATION AND ORDER

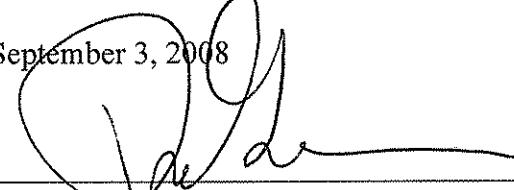
IT IS HEREBY STIPULATED AND AGREED, by and between undersigned

counsel that:

1. This action is dismissed with prejudice, without costs to any party.
2. This stipulation may be executed in counterparts.

Dated: September 3, 2008

By:


Daniel B. Goldman, Esq.
Paul, Hastings, Janofsky
& Walker LLP
75 East 55th Street
New York, NY 10012

Attorneys for Respondent
OXBOW CARBON AND
MINERALS LLC

Dated: September 3, 2008

By:


George Chalos, Esq.
Chalos & Co., P.C.
123 South Street
Oyster Bay, NY 11771

Attorneys for Petitioner
VOTORANTIM CIMENTOS LTDA

SO ORDERED

Judge Leonard B. Sand
United States District Court Judge